

1 BILL LOCKYER, Attorney General
of the State of California
2 LAWRENCE A. MERCER, State Bar No. 111898
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W227

11 JESSICA RADIN, Ph.D.
12 205 Keller Street, Suite 204
13 Petaluma, CA 94592

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Psychologist's License No. PSY 11845

15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board of
20 Psychology who brought this action solely in his official capacity and is represented in this
21 matter by Bill Lockyer, Attorney General of the State of California, by Lawrence A. Mercer,
22 Deputy Attorney General.

23 2. Respondent Jessica Radin, Ph.D. ("Respondent") is represented in this
24 proceeding by attorneys O. Brandt Caudill, Jr., Esq., and Callahan, McCune & Willis, 111
25 Fashion Lane, Tustin, CA 92780.

26 3. On or about August 1, 1990, the Board of Psychology issued
27 Psychologist's License No. PSY 11845 to Jessica Radin, Ph.D. (Respondent). The Psychologist's
28 License was in full force and effect at all times relevant to the charges brought herein and will

1 expire on October 31, 2003, unless renewed. At all relevant times, respondent was also licensed
2 as a Marriage and Family Therapist by the Board of Behavioral Sciences, license no. MFC
3 12874, said license having been issued to her on July 21, 1978 and currently valid through
4 December 31, 2002.

5 JURISDICTION

6 4. Accusation, No. W227, was filed before the Board of Psychology of the
7 Department of Consumer Affairs, ("Board"), and is currently pending against Respondent. The
8 Accusation, together with all other statutorily required documents, was duly served on
9 Respondent on March 13, 2002, and Respondent timely filed a Notice of Defense contesting the
10 Accusation. A copy of Accusation No. W 227 is attached as Exhibit A and incorporated herein
11 by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read and discussed with her counsel the nature of
14 the charges and allegations in the Accusation and the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation, the right to be represented by
18 counsel, at her own expense, the right to confront and cross-examine the witnesses against him,
19 the right to present evidence and to testify on her own behalf and to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents, the right to reconsideration
21 and court review of an adverse decision, and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the allegations set forth in Paragraphs 29A, 30A,
27 30C, 30F and 30G of the Accusation and that such acts constituted unprofessional conduct.

28 9. Respondent agrees that License PSY 11845 is subject to discipline and

1 agrees to be bound by the Board's imposition of discipline as set forth in the Order below.

2 RESERVATION

3 10. The admissions made by respondent herein are only for the purposes of
4 this proceeding, or any other proceedings in which the Board of Psychology or other professional
5 licensing agency is involved, and shall not be admissible in any other criminal or civil
6 proceedings.

7 CONTINGENCY

8 11. This stipulation shall be subject to the approval of the Board. Respondent
9 understands and agrees that Board of Psychology's staff and counsel for complainant may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent or her counsel. If the Board fails to adopt this stipulation as its
12 Order, except for this paragraph the Stipulated Settlement and Disciplinary Order shall be of no
13 force or effect, it shall be inadmissible in any legal action between the parties, and the Board
14 shall not be disqualified from further action in this matter by virtue of its consideration of this
15 stipulation.

16 12. The parties agree that facsimile copies of this Stipulated Settlement and
17 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
18 original Stipulated Settlement and Disciplinary Order and signatures.

19 13. In consideration of the foregoing admissions and stipulations, the parties
20 agree that the Board shall, without further notice or formal proceeding, issue and enter the
21 following Disciplinary Order:

22 DISCIPLINARY ORDER

23 **IT IS HEREBY ORDERED** that License number PSY 11845 issued to
24 Respondent Jessica Radin, Ph.D. is revoked. However the revocation is stayed and Respondent
25 is placed on probation for three (3) years on the following terms and conditions.

26 1. PRACTICE MONITOR Within 90 days of the effective date of this
27 Decision, respondent shall submit to the Board or its designee for prior approval, the name and
28 qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall

1) be a California-licensed psychologist with a clear and current license; 2) have no prior business, professional, personal or other relationship with respondent; and 3) not be the same person as respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of the respondent. Notwithstanding the forgoing, Ellen Siegelman, Ph.D., shall be deemed a Board-approved choice as respondent's practice monitor.

Once approved, the monitor shall submit to the Board or its designee a plan by which respondent's practice shall be monitored. Monitoring shall consist of a least one hour per week of individual face-to-face meetings and shall continue during the first year of the probationary period. The respondent shall provide the monitor with a copy of this Decision and access to respondent's patient records. Respondent shall obtain any necessary patient releases to enable the monitor to review records and to make direct contact with patients. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request. It shall be respondent's responsibility to assure that the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of respondent's performance.

Respondent shall notify all current and potential patients of any term or condition of probation which will affect their therapy or the confidentiality of their records (such as this condition which requires a practice monitor). Such notifications shall be signed by each patient prior to continuing or commencing treatment.

If the monitor quits or is otherwise no longer available, respondent shall obtain approval from the Board for a new monitor within 30 days. If no new monitor is approved within 30 days, respondent shall not practice until a new monitor has been approved by the Board or its designee. During this period of non-practice, probation will be tolled and any period of non-practice shall not apply to the reduction of this probationary period. Respondent shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall be considered a violation of probation.

2. PSYCHOLOGICAL EVALUATION Within 90 days of the effective date of this decision and on a periodic basis thereafter as may be required by the Board or its

1 designee, respondent shall undergo a psychological evaluation (and psychological testing, if
2 deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall
3 sign a release which authorizes the evaluator to furnish the Board with a current DSM IV
4 diagnosis and a written report regarding the respondent's judgement and/or ability to function
5 independently as a psychologist with safety to the public, and whatever other information the
6 Board deems relevant to the case. The completed evaluation is the sole property of the Board.
7 Notwithstanding the forgoing, a written report from Betty Meador, Ph.D., which verifies the
8 respondent's judgement and ability to function independently as a psychologist with safety to the
9 public, shall be deemed Board-approved as compliance with this requirement.

10 If the Board concludes from the results of the evaluation that respondent's ability
11 to practice psychology safely is impaired due to mental illness, respondent shall immediately
12 refer/terminate existing clients within 30 days and shall not resume practice until a Board-
13 appointed evaluator determines that respondent is safe to practice. During this suspension
14 period, probation will be tolled and will not apply to the reduction of this probation period.

15 If ongoing psychotherapy is recommended in the psychological evaluation, the
16 Board will notify respondent in writing to submit to such therapy and to select a psychotherapist
17 for approval by the Board or its designee within 30 days of such notification. The therapist shall
18 1) be a California-licensed psychologist with a clear and current license; 2) have no previous
19 business, professional, personal or other relationship with respondent; 3) not be the same person
20 as the respondent's practice monitor. Frequency of psychotherapy shall be determined upon
21 recommendation of the treating psychotherapist with approval by the Board or its designee;
22 however, psychotherapy shall, at a minimum, consist of one hour-long session per week.
23 Respondent shall continue psychotherapy until released by the approved psychologist and
24 approved by the Board or its designee. The Board or its designee may order re-evaluation upon
25 receipt of the therapist's recommendation.

26 Respondent shall execute a release authorizing the therapist to provide to the
27 Board any information the Board or its designee deems appropriate, including quarterly reports
28 or respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the

1 therapist. If the therapist believes that respondent cannot continue to independently render
2 psychological services, with safety to the public, he/she shall notify the Board immediately.

3 Respondent shall pay all costs associated with the psychological evaluation and
4 ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation
5 order.

6 3. COURSEWORK Respondent shall take and successfully complete not
7 less than 12 hours additional coursework each year of probation in the areas of concern raised by
8 the Accusation, including but not limited to boundaries, transference/countertransference, record
9 keeping and ethics. Coursework must be preapproved by the Board or its designee. All
10 coursework shall be taken at the graduate level at an accredited educational institution or by an
11 approved continuing education provider. Classroom attendance is specifically required;
12 correspondence or home study coursework shall not count toward meeting this requirement. The
13 coursework must be in addition to any continuing education courses that may be required for
14 license renewal.

15 Within 90 days of the effective date of this Decision, respondent shall submit to
16 the Board or its designee for its prior approval a plan for meeting the educational requirements.
17 All costs of the coursework shall be paid by the respondent.

18 4. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
19 shall pay the Board its costs of investigation and enforcement in the amount of Four Thousand
20 Dollars (\$4,000.00) within two years of the effective date of this decision. Such costs shall be
21 payable to the Board of Psychology. Failure to pay such costs shall be considered a violation of
22 probation.

23 The filing of bankruptcy by respondent shall not relieve respondent of the
24 responsibility to repay investigation and enforcement costs.

25 5. ETHICS COURSE Within 90 days of the effective date of this Decision,
26 respondent shall submit to the Board or its designee for prior approval a course in laws and ethics
27 as they relate to the practice of psychology. Said course must be successfully completed at an
28 accredited educational institution or through a provider approved by the Board's accreditation

1 agency for continuing education credit. Said course must be taken and completed within one
2 year from the effective date of this Decision. The cost associated with the law and ethics course
3 shall be paid by the respondent.

4 6. PROBATION COSTS Respondent shall pay the costs associated with
5 probation monitoring each and every year of probation. Such costs shall be payable to the Board
6 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be
7 considered a violation of probation.

8 7. OBEY ALL LAWS Respondent shall obey all federal, state, and local
9 laws and all regulations governing the practice of psychology in California including the ethical
10 guidelines of the American Psychological Association. A full and detailed account of any and all
11 violations of law shall be reported by the respondent to the Board or its designee in writing
12 within seventy-two (72) hours of occurrence.

13 8. QUARTERLY REPORTS Respondent shall submit quarterly
14 declarations under penalty of perjury on forms provided by the Board or its designee, stating
15 whether there has been compliance with all the conditions of probation.

16 9. PROBATION COMPLIANCE Respondent shall comply with the
17 Board's probation program and shall, upon reasonable notice, report to the assigned District
18 Office of the Medical Board of California or other designated probation monitor. Respondent
19 shall contact the assigned probation officer regarding any questions specific to the probation
20 order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants
21 associated with the case; 2) Board members or members of its staff; or 3) persons serving the
22 Board as expert evaluators.

23 10. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
24 appear in person for interviews with the Board or its designee upon request at various intervals
25 and with reasonable notice.

26 11. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
27 writing, through the assigned probation officer, of any and all changes of employment, location,
28 and address within 30 days of such change.

1 12. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
2 STATE NON-PRACTICE In the event respondent should leave California to reside or to
3 practice outside the State or for any reason should respondent stop practicing psychology in
4 California, respondent shall notify the Board or its designee in writing within ten days of the
5 dates of departure and return or the dates of non-practice within California. Non-practice is
6 defined as any period of time exceeding thirty days in which respondent is not engaging in any
7 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of
8 temporary or permanent residency or practice outside California or of non-practice within
9 California will not apply to the reduction of this probationary period., although the Board may
10 allow respondent to complete certain terms of probation that are not associated with active
11 practice.


12 13. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is
13 licensed as a psychologist, she shall not employ or supervise or apply to employ or supervise
14 psychological assistants, interns or trainees during the course of this probation. Any such
15 supervisory relationship in existence on the effective date of this probation shall be terminated
16 by respondent and/or the Board.

17 14. VIOLATION OF PROBATION If respondent violates probation in any
18 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
19 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
20 Revoke Probation is filed against respondent during probation, the Board shall have continuing
21 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
22 is final. No Petition for Modification or Termination of Probation shall be considered while
23 there is an Accusation or Petition to Revoke Probation pending against respondent.

24 15. COMPLETION OF PROBATION Upon successful completion of
25 probation, respondent's license shall be fully restored.

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DATED: 9/11/02


JESSICA RADIN, Ph.D.
Respondent

DATED: _____

O. BRANDT CAUDILL, ESQ.
Attorney for Respondent

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed the terms and conditions and other matters contained therein with my attorney O. Brandt Caudill, Esq.. I understand the effect this stipulation will have on my ability to practice psychology in the State of California. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and Decision of the Board of Psychology. I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 9/11/02

JESSICA RADIN, Ph.D.
Respondent

I have read and fully discussed with Respondent JESSICA RADIN, Ph.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order and approve its form and content.

DATED: 9/12/02

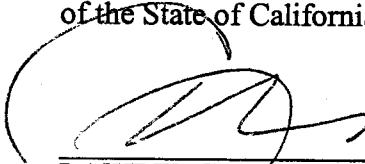
O. BRANDT CAUDILL, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

DATED: Sept. 18, 2002.

BILL LOCKYER, Attorney General
of the State of California



LAWRENCE A. MERCER
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03598160sf2002ad0197
Stipulation August, 2002

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**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W 227

JESSICA RADIN, Ph.D.
205 Keller Street, Suite 204
Petaluma, CA 94952

License No. PSY 11845

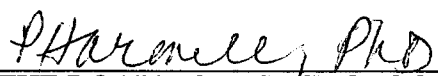
Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on November 29, 2002.

It is so ORDERED October 30, 2002.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
PAMELA HARMELL, PH.D., PRESIDENT

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Exhibit A:
Accusation, Case No. W 227

BILL LOCKYER, Attorney General
of the State of California
LAWRENCE A. MERCER, State Bar No. 111898
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5539
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Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W227

JESSICA RADIN, Ph.D.
205 Keller Street, Suite 204
Petaluma, CA 94592

ACCUSATION

Psychologist's License No. PSY 11845

Respondent.

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

2. On or about August 1, 1990, the Board of Psychology issued Psychologist's License No. PSY 11845 to Jessica Radin, Ph.D. (Respondent). The Psychologist's License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2003, unless renewed. At all relevant times, respondent was also licensed as a Marriage, Family and Child therapist by the Board of Behavioral Science Examiners, license no. MFC 12874, said license having been issued to her on July 21, 1978 and currently valid through December 31, 2002,

JURISDICTION

3. This Accusation is brought before the Board of Psychology (Board), under the authority of the following sections of the Business and Professions Code (Code).

4. Section 2936 of the Code states, in part:

The board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

5. Section 2960 of the Code states:

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

"... (i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder. . .

(r) Repeated acts of negligence."

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Section 2964.6 of the Code authorizes the administrative law judge, in the event the licensee is placed on probation, to issue a disciplinary decision that requires the licensee to pay the monetary costs of monitoring that probation.

REGULATIONS AND CODE OF ETHICS

8. California Code of Regulations, Title 16, section 1396, provides that a psychologist shall not function outside his or her particular field or fields of competence as established by his or her education, training and experience.

9. California Code of Regulations, Title 16, section 1396.1 provides that a psychologist shall not knowingly undertake any activity in which temporary or more enduring personal problems in the psychologist's personality integration may result in inferior professional services or harm to a patient or client. If a psychologist is already engaged in such activity when becoming aware of such personal problems, he or she shall seek competent professional assistance to determine whether services to the patient or client should be continued or terminated.

10. The APA Ethical Code and Principles of Conduct (1992) [hereafter referred to as "the Code of Ethics"], section 1.04, provides, in part:

"Psychologists provide services . . . only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional experience."

11. Section 1.14 of the Code of Ethics provides:

"Psychologists take reasonable steps to avoid harming patients or clients . . . with whom they work, and to minimize harm where it is foreseeable and avoidable."

12. Section 1.17 of the Code of Ethics provides, in part:

"Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party."

//

13. Section 1.23 of the Code of Ethics provides that psychologists appropriately document their work to facilitate the provision of services by them and by others.

14. Section 4.09 of the Code of Ethics provides, in part:

"(a) Psychologists do not abandon patients or clients. . .

(c) Prior to termination, for whatever reason, except where precluded by the patient's or client's conduct, the psychologist discusses the patients or client's views and needs, provides appropriate pretermination counseling, suggests alternative service providers as appropriate, and takes other reasonable steps to facilitate transfer of responsibility to another provider if the patient or client needs one immediately."

FACTUAL ALLEGATIONS

15. Beginning in or about January, 1993, and continuing through December 9, 1998, respondent undertook to provide psychological services to Patient D.W.¹ at respondent's office in Petaluma, California. Respondent formed an Axis I diagnosis for D.W. of Anxiety Disorder and Depressive Disorder with Suicidal Ideation, possible Obsessive-Compulsive Disorder and possible Adjustment Disorder with mixed emotional features.

16. In the early months of the therapeutic relationship, issues arose regarding respondent's availability to D.W. and respondent encouraged D.W. to telephone and write to respondent to augment the available therapy hours. D.W. kept a journal of her dreams and provided these to respondent, together with diary entries, musical compositions and correspondence.

17. Beginning in 1993, respondent disclosed to D.W. facts pertaining to respondent's personal life, her family and her marriage. As therapy progressed, respondent would telephone D.W. at home in the evenings, often to discuss her own personal issues. This pattern of sharing personal details with her patient continued throughout the therapy relationship and implied that much more than a therapy relationship existed between respondent and D.W. Respondent discussed her own mental state, her health and the stressors in her life with D.W.

1. The patient's name is abbreviated to protect confidentiality.

1 during therapy sessions as well as during the previously mentioned telephone conversations.
2 D.W. later reported that respondent would also share fantasies about D.W. living near respondent
3 or keeping her horse at respondent's ranch.

4 18. Beginning in 1993, issues also arose regarding respondent's proximity to
5 D.W. during therapy and respondent decided to use closer contact and nonsexual touch during
6 therapy sessions. Initially, respondent would sit on the floor or on the couch in the office and
7 invite D.W. to also sit on the floor or couch and to sit as close to respondent as she wished.
8 Later, respondent would be "the other mother" to D.W. and would kiss her forehead and/or her
9 cheek and stroke her hair. Over time, a pattern evolved where D.W. would spend part or all of
10 each therapy session with her head resting on a pillow on respondent's lap while respondent
11 would lightly embrace her.

12 19. The professional fee originally agreed upon for therapy was later reduced
13 to allow D.W. to afford two sessions of therapy per week. When D.W. complained of financial
14 difficulties, respondent stated that she could "run a tab." On one occasion, respondent offered to
15 waive all or part of her fee to encourage D.W. to consult with respondent's acupuncturist. On
16 two occasions, respondent waived payment to enable D.W. to enroll in classes on equine
17 massage and "castle building." Respondent attended the latter class with D.W.

18 20. In or about November, 1994, D.W. gave respondent a musical
19 composition she had composed and, in response, respondent gave D.W. a videotape, which she
20 told D.W. was in thanks from respondent's husband. In the Spring of 1995, D.W. was invited to
21 respondent's ranch to see a foal. Social visits between respondent and D.W. continued during
22 the therapy relationship and included three visits to D.W.'s home by respondent as well as two
23 occasions upon which D.W. came to respondent's ranch to massage her horses. On the latter
24 occasions, respondent introduced D.W. to her husband and a tenant as a social acquaintance.

25 21. As the therapy relationship continued, respondent sent letters and cards to
26 D.W., telling D.W. that she loved her and was thinking of her. Early in the 5 ½ year therapy
27 relationship, respondent began a practice of providing D.W. with items from respondent's ranch,
28 including vegetables and firewood, and other things, such as herbs from respondent's

1 acupuncturist. Symbolic gift exchanges of stuffed animals were also made between respondent
2 and D.W. Respondent inappropriately allowed the mutual practice of gift-giving to continue and
3 the gifts became both more personal as well as more substantial. Between 1995 and 1998,
4 respondent gave D.W. her sweater to wear, which sweater respondent also would wear from time
5 to time. In 1997, respondent gave D.W. a blue bear and a necklace that respondent had made for
6 D.W. Attached to the necklace was a vial containing respondent's perfume. On one occasion,
7 D.W. gave respondent a gift of licit and illicit drugs. In or about June, 1997, respondent made a
8 gift of a horse to D.W.

9 22. Inappropriate physical contact increased in extent and intensity. In or
10 about April, 1997, respondent physically lay on top of D.W. and told D.W. that she wanted D.W.
11 to be able to use her body to heal. On another occasion in 1997, respondent broke down
12 emotionally during a therapy session with D.W. On this occasion respondent permitted D.W. to
13 embrace and comfort her. On at least two occasions during this period, respondent massaged
14 D.W. during therapy sessions and on one occasion respondent was massaged by D.W.

15 23. In 1997, respondent entered into a financial relationship with D.W.,
16 purchasing a Navaho medicine bundle from D.W. for \$2,500.00.

17 24. In early 1998, respondent began to re-focus her relationship with D.W. and
18 to reduce the intimacy that had characterized their prior interaction -- possibly by then
19 recognizing that her attempts at regressive or reparenting work with D.W. had not been effective
20 and had exacerbated D.W.'s dependence, confusion and other early emotions. D.W. became
21 distraught and angry with respondent. She canceled her therapy appointment with respondent
22 and, together with a letter dated April 26, 1998, returned some of respondent's gifts to her. In
23 her letter, D.W. detailed the distress that respondent's unilateral withdrawal of intimacy had
24 caused her. Respondent answered by letter in which she encouraged D.W. to return to therapy.

25 25. D.W. did return to therapy, but conflicts regarding respondent's desire to
26 change the relationship continued and D.W. again discontinued therapy. Although respondent
27 did seek professional consultation, she failed to timely do so. D.W. wrote to respondent on
28 September 5, 1998, telling respondent that, by reason of respondent's misconduct, she would

never see a therapist again. Respondent did not reply. D.W. wrote again on November 15, asking respondent to telephone her to discuss whether the relationship could be continued in some fashion or form. Respondent replied by letter dated December 9, 1998, in which she advised D.W. that: "Our relationship has terminated; I see no way for it to resume or continue. I will not be responding to any further communications from you." Thereafter, respondent refused to meet with D.W. or to participate in mediation with her.

26. Respondent did not offer any options for pretermination counseling, alternative service providers or for transfer of the patient's care.

27. D.W. filed a complaint against respondent with the C.G. Jung Institute, alleging that she had suffered harm by reason of respondent's conduct, to wit: respondent developed a relationship with her that was outside the scope of the standard of psychological practice; that respondent repeatedly violated therapeutic boundaries; that respondent entered into a dual relationship with her; that respondent failed to take appropriate steps to contain a rupture in the relationship or to predict or minimize its damage; that respondent exacerbated the damage to D.W. through her interventions; that respondent failed to appropriately terminate the relationship.

28. By decision of July 9, 1999, respondent was placed on probation by the C.G. Jung Institute by reason of, *inter alia*, her inappropriate physical contact and multiple boundary violations with D.W. The Institute's committee was also critical of respondent's lack of clinical understanding and her failure to observe the general principle of self scrutiny. Respondent appealed and the Institute reaffirmed its decision on June 10, 2000. On June 22, 2000, the Institute filed a report with the Medical Board pursuant to Business and Professions Code section 805.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

29. For the reasons set forth in paragraphs 15-28 above, respondent is subject to disciplinary action under section 2960(j) as well as the above-recited regulations and ethical canons (at paragraphs 8-14) in that respondent was grossly negligent in the provision of

1 professional services to Patient D.W. In addition to her overall mismanagement of the
2 therapeutic relationship with D.W., respondent's care and treatment of D.W. constituted an
3 extreme departure from the standard of care in the following respects:

4 A. Respondent made excessive and inappropriate disclosures to D.W.
5 concerning respondent's personal affairs and those of her family;

6 B. Respondent engaged in excessive and inappropriate physical contact with
7 D.W. during therapy sessions.

8 SECOND CAUSE FOR DISCIPLINE

9 (Repeated Acts of Negligence)

10 30. Respondent is subject to disciplinary action under section 2960(r), as well
11 as the above-recited regulations and ethical canons (at paragraphs 8-14), in that respondent
12 engaged in repeated negligent acts during her therapeutic relationship with D.W. The
13 circumstances are as set forth in paragraphs 15-28 above. More particularly, respondent engaged
14 in multiple boundary violations and other departures from the standard of care in the following
15 respects:

16 A. Respondent made excessive and inappropriate disclosures to D.W.
17 concerning respondent's personal affairs and those of her family;

18 B. Respondent engaged in excessive and inappropriate physical contact with
19 Patient D.W. during therapy sessions.

20 C. Respondent accepted gifts from and gave gifts to D.W.

21 D. Respondent allowed social visits with D.W. at their homes and at other
22 locations and times outside the therapy setting.

23 E. Respondent attempted to provide professional services to D.W. which
24 were outside her area of professional competence.

25 F. Respondent failed to timely seek out professional consultation.

26 G. Respondent terminated the therapy relationship, but did not offer any
27 options for pretermination counseling, alternative service providers or for transfer
28 of the patient's care.

1 H. Respondent failed to keep appropriate records of the work done in therapy
2 with D.W.

3 PRAYER


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Psychology issue a decision:

6 1. Revoking or suspending Psychologist's License No. PSY 11845, issued to
7 Jessica Radin, Ph.D.;

8 2. Ordering Jessica Radin, Ph.D. to pay the Board of Psychology the
9 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
10 the costs of probation monitoring;

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: March 13, 2002

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14 
15 THOMAS S. O'CONNOR
16 Executive Officer
17 Board of Psychology
18 Department of Consumer Affairs
19 State of California

20 Complainant

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22 2Accusation.wpt 10/19/01
23 LAM: 03/07/02
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